

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

**Sylvia Bernay Duncan,**

**Civil No. 05-711 DSD/SRN**

**Petitioner,**

**v.**

**ORDER**

**City of Brooklyn Park, a municipality; Brooklyn Park  
Police Officers Lippert (#161); Nelson (#123); Buck (#157),  
all personally, and in their capacities as Brooklyn Park  
Police officers; and Wade Setter, Chief of Police, individually  
and in his capacity as Chief of Police,**

**Respondents.**

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The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson dated December 4, 2006. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. Defendants' Motion to Dismiss (Doc. No. 22) is **GRANTED**;
2. Plaintiff's action is **DISMISSED WITH PREJUDICE**.

DATED: December 26, 2006

s/David S. Doty  
David S. Doty, Judge  
United States District Court